THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16174 OF 2003

ORAL ORDER:

The petitioner herein was admitted to three year course of General Nursing having been selected by the selection committee. She was admitted in 1st year General Nursing course in Mamata School of Nursing at Khammam during the academic year 2002-03. However, the petitioner was not allowed to appear for the 1st year examinations on the ground that she did not complete the age of 17 years at the time of admission into the Nursing course. On that ground she was not issued hall ticket for taking examinations. Aggrieved by the said action of the respondents, this writ petition has been filed contending *inter alia* that having admitted the petitioner into the Nursing course without raising any objection, it is not open to the respondents to restrain her from appearing for the examinations.

I have heard the learned counsel for both the parties and perused the material on record including the counters filed on behalf of the respondents.

A.P. General Nurse Training Institutions (Admission into General Nursing Training and Grant of Permission to Private Schools of Nursing) Rules, 1997 (for short "the Rules"), provide for admissions to the course in question by method of selection by the duly constituted selection committee. Rule 6 of the Rules provides the eligibility criteria, under which Intermediate students of any group, who have completed seventeen years of age, are eligible to seek admission in Diploma in Nursing.

It is brought to my notice by the learned counsel for both the parties that in identical circumstances, this Court by order dated 25.7.2003 disposed of W.P.No.14093 of 2002 and etc., holding that the action of the respondents in not permitting the petitioners therein to prosecute three year Diploma in General Nursing and Midwifery on the ground that they did not fulfil the age requirement is

unsustainable. It was also held that in case the petitioners did not have the necessary age qualification by the time of their admission, they should not have been admitted into the course and completed the first year course, but having permitted them to complete the first year course, they cannot be prevented from appearing for the examinations on the ground that they did not possess the minimum age qualification. Accordingly, the said writ petitions were allowed and the respondents therein were directed to allow the petitioners to appear for the examinations and also permit them to continue their course.

The learned counsel for the petitioner submits that the petitioner herein also stands on the same footing and, therefore, the writ petition may be disposed of in terms of the above order. The learned counsel for the respondents has not disputed the same. It is also relevant to note that during the pendency of this writ petition, the petitioner had successfully completed first and second year of the course. She has also appeared for the final year examinations, however, results were withheld on the ground of pendency of this writ petition.

Accordingly, the writ petition is disposed of with a direction to the respondents to declare the result of the petitioner for the third year course within a period of four weeks from the date of receipt of a copy of this order. No costs.

Registry is directed to return the memo of marks submitted to this Court by the 4th respondent to Sri M. Panduranga Rao, the learned counsel for the 4th respondent.

9th July, 2007. **(G. ROHINI, J.)**

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16174 OF 2003

9th July, 2007.

Between:

D. Nalini. .. Petitioner.

And

The Director of Medical Education,
A.P. Sultan Bazaar, Hyderabad and others. ..
Respondents.